

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 745

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “credit” insert “amounts”; in lines 7, 9, and 10, in each instance, strike “component”; strike beginning with “requiring” in line 14 down through “Administration;” in line 15; in line 15, strike the comma and substitute “and”; in line 16, strike “, and the Department of the Environment”; strike beginning with “, in” in line 19 down through “Environment,” in line 20; and strike beginning with “requiring” in line 21 down through “date;” in line 23.

AMENDMENT NO. 2

On page 2, in line 16, strike “LEGAL;”; in line 21, after “REHABILITATION;” insert “AND”; strike beginning with “SITE” in line 22 down through “BLINDS” in line 25 and substitute “FINISHES AND FURNISHINGS CONSISTENT WITH THE REGULATIONS ADOPTED BY THE ADMINISTRATION UNDER THIS SECTION”; in line 29, strike “OR”; after line 29, insert:

“2. LEGAL FEES ALLOCABLE TO CONSTRUCTION OR REHABILITATION;

3. SITE COSTS, INCLUDING TEMPORARY ELECTRIC WIRING, SCAFFOLDING, DEMOLITION COSTS, AND FENCING AND SECURITY FACILITIES;

4. FINISHES OR FURNISHINGS THAT ARE NOT CONSISTENT WITH THE REGULATIONS ADOPTED BY THE ADMINISTRATION UNDER THIS SECTION; OR”;

and in line 30, strike “2.” and substitute “5.”.

AMENDMENT NO. 3

(Over)

On page 3, in line 17, after “WHICH” insert “1.”;

after line 19, insert:

“2. A FUEL CELL, WIND TURBINE, OR PHOTOVOLTAIC MODULE CONSTITUTES A QUALIFYING ALTERNATE ENERGY SOURCE AND IS FULLY OPERATIONAL; OR”;

in line 20, strike “FIRST” and substitute “EARLIEST”; in line 21, strike “COMPONENT”; in line 22, strike “(L)” and substitute “(K)”; in line 24, strike “IS”; in line 25, after “1.” insert “IS”; in line 28, after “2.” insert “IS”; in line 31, after “3.” insert “IS”; in the same line, strike “(I)” and substitute “1”; in line 32, strike “(II)” and substitute “2”; in the same line, strike “PARAGRAPH” and substitute “ITEM”; and in line 32, strike “AND”.

On pages 3 and 4, strike in their entirety the lines beginning with line 33 on page 3 through line 3 on page 4, inclusive, and substitute:

“(II) IN THE CASE OF A NEWLY CONSTRUCTED BUILDING FOR WHICH A CERTIFICATE OF OCCUPANCY WAS NOT ISSUED BEFORE JULY 1, 2001:

1. IS LOCATED ON A QUALIFIED BROWNFIELDS SITE, AS DEFINED UNDER ARTICLE 83A, § 5-1401 OF THE CODE; OR

2. A. IS LOCATED IN A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

B. IS NOT LOCATED ON WETLANDS, THE ALTERATION OF WHICH REQUIRES A PERMIT UNDER § 404 OF THE FEDERAL CLEAN WATER ACT, 33 U.S.C. § 1344; AND

(III) IN THE CASE OF A REHABILITATION OF A BUILDING:

1. IS LOCATED IN A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OR ON A QUALIFIED BROWNFIELDS SITE AS DEFINED UNDER ARTICLE 83A, § 5-1401 OF THE CODE; OR

2. IS NOT AN INCREASE OF MORE THAN 25% IN THE

SQUARE FOOTAGE OF THE BUILDING.”.

On page 4, in line 9, strike “(J)” and substitute “(I)”; in line 10, after “GREEN” insert “WHOLE”; in line 15, strike “(K)” and substitute “(J)”; in line 20, after “EQUIPMENT” insert “FOR THE PHOTOVOLTAIC MODULES”; in line 34, strike “AC” and substitute “ACTUAL POWER”; in the same line, strike “AND”; and strike beginning with “VALIDATED” in line 35 down through “SPECIFICATIONS” in line 37 and substitute “FULLY COMMISSIONED UPON INSTALLATION, AND ANNUALLY THEREAFTER, TO ENSURE THAT THE SYSTEMS MEET THEIR DESIGN SPECIFICATIONS; AND

(III) IN THE CASE OF WIND TURBINES, MEET ANY APPLICABLE NOISE ORDINANCES”.

On pages 4 and 5, strike in their entirety the lines beginning with line 38 on page 4 through line 7 on page 5, inclusive.

On page 5, in lines 8 and 11, strike “(16)” and “(17)”, respectively, and substitute “(15)” and “(16)”, respectively; and in line 20, strike “15TH” and substitute “10TH”.

On pages 5 and 6, strike in their entirety the lines beginning with line 22 on page 5 through line 3 on page 6, inclusive.

AMENDMENT NO. 4

On page 6, in line 4, strike “CREDIT COMPONENTS” and substitute “CREDITS”; in the same line, strike “(D)” and substitute “(C)”; in line 5, strike “(I)” and substitute “(H)”; strike beginning with the colon in line 5 down through “(I)” in line 6 and substitute a comma; in lines 8, 11, and 13, strike “1.”, “2.”, and “3.”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 9, strike “COMPONENT”; in line 10, strike “(L)” and substitute “(K)”; in line 14, strike the semicolon and substitute a period; strike in their entirety lines 15 through 24, inclusive, and substitute:

“(4) THE TOTAL AMOUNT ALLOWED IN THE AGGREGATE FOR ALL CREDITS UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM SET FORTH IN THE

(Over)

INITIAL CREDIT CERTIFICATE OBTAINED UNDER SUBSECTION (K) OF THIS SECTION.”;

in line 25, strike “(4)” and substitute “(5)”; in the same line, strike “CREDIT COMPONENTS” and substitute “CREDITS UNDER THIS SECTION”; and in line 27, strike “COMPONENT”.

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 8 on page 7, inclusive.

On page 7, in lines 9 and 26, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; strike beginning with “THE” in line 9 down through “PERCENTAGE” in line 10 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 8%”; in line 11, strike “AN” and substitute “THE”; in lines 11, 12, and 13, in each instance, after “GREEN” insert “WHOLE”; strike in their entirety lines 14 through 18, inclusive; in line 19, strike “(3)” and substitute “(2)”; in line 21, strike the comma; in lines 22 and 24, strike “\$150” and “\$75”, respectively, and substitute “\$120” and “\$60”, respectively; strike beginning with “THE” in line 26 down through “PERCENTAGE” in line 27 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 6%”; in line 28, strike “AN” and substitute “THE”; and strike in their entirety lines 31 through 35, inclusive.

On page 8, in line 1, strike “(3)” and substitute “(2)”; in line 3, strike “\$150” and substitute “\$120”; in lines 4 and 27, strike “(F)” and “(G)”, respectively, and substitute “(E)” and “(F)”, respectively; strike beginning with “THE” in line 4 down through “PERCENTAGE” in line 5 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN AN AMOUNT EQUAL TO 6%”; in line 6, strike “AN” and substitute “THE”; strike in their entirety lines 10 through 14, inclusive; in lines 15 and 23, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; in lines 17 and 19, in each instance, strike “\$75” and substitute “\$60”; in lines 21 and 24, in each instance, strike “COMPONENT”; in line 23, strike “UNLESS THE BASE BUILDING IS A GREEN BASE BUILDING,”; in line 24, strike “SECTION” and substitute “SUBSECTION”; in line 25, strike “THE BUILDING OR BY A TENANT” and substitute “A BUILDING”; after line 26, insert:

“(4) THE CREDIT UNDER THIS SUBSECTION FOR GREEN TENANT

SPACE MAY NOT BE CLAIMED BY A TENANT THAT OCCUPIES FEWER THAN 5,000 SQUARE FEET.”;

strike beginning with “THE” in line 27 down through “TO” in line 28 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN”; in line 30, after the first “GREEN” insert “WHOLE”; and in line 33, strike “6%” and substitute “30%”.

On page 9, in lines 9 and 35, strike “(H)” and “(I)”, respectively, and substitute “(G)” and “(H)”, respectively; in lines 9 and 10, strike “AN AMOUNT EQUAL TO”; in line 18, strike “5%” and substitute “25%”; and strike beginning with “THE” in line 35 down through “TO” in line 36 and substitute “FOR THE TAXABLE YEAR THAT IS THE CREDIT ALLOWANCE YEAR, AN OWNER OR TENANT MAY CLAIM A CREDIT IN”.

On page 10, in line 2, after the first “GREEN” insert “WHOLE”; and in line 5, strike “5%” and substitute “25%”.

AMENDMENT NO. 5

On page 10, in line 9, strike “(J)” and substitute “(I)”; in the same line, after “(1)” insert “BY REGULATION, THE ADMINISTRATION SHALL ADOPT STANDARDS FOR A BUILDING”; strike beginning with “, A” in line 10, down through “SUBSECTION” in line 11 and substitute “THAT ARE CONSISTENT WITH THE CRITERIA FOR GREEN BASE BUILDINGS SET FORTH BY THE UNITED STATES GREEN BUILDING COUNCIL OR OTHER SIMILAR CRITERIA”; and after line 11, insert:

“(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL PROVIDE THAT THE ENERGY USE SHALL BE NO MORE THAN 65% FOR NEW CONSTRUCTION OF A BASE BUILDING, OR 75% IN THE CASE OF REHABILITATION OF A BASE BUILDING, OF THE ENERGY USE ATTRIBUTABLE TO A REFERENCE BUILDING WHICH MEETS THE REQUIREMENTS OF APPLICABLE ENERGY EFFICIENCY STANDARDS.”.

On pages 10 through 12, strike in their entirety the lines beginning with line 12 on page 10

through line 20 on page 12, inclusive.

On page 12, in line 21, strike “(K)” and substitute “(J)”; in the same line, after “(1)” insert “BY REGULATION, THE ADMINISTRATION SHALL ADOPT STANDARDS FOR TENANT SPACE”; in line 22, strike “CREDIT” and substitute “CREDITS”; strike beginning with “, TENANT” in line 22 down through “SUBSECTION” in line 23 and substitute “THAT ARE CONSISTENT WITH THE CRITERIA FOR GREEN TENANT SPACE SET FORTH BY THE UNITED STATES GREEN BUILDING COUNCIL OR OTHER SIMILAR CRITERIA”; and after line 23, insert:

“(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL PROVIDE THAT THE ENERGY USE SHALL BE NO MORE THAN 65% FOR NEW CONSTRUCTION, OR 75% IN THE CASE OF REHABILITATION, OF THE ENERGY USE ATTRIBUTABLE TO A REFERENCE BUILDING WHICH MEETS THE REQUIREMENTS OF APPLICABLE ENERGY EFFICIENCY STANDARDS.”

On pages 12 and 13, strike in their entirety the lines beginning with line 24 on page 12 through line 33 on page 13, inclusive.

On page 13, in line 34, strike “(L)” and substitute “(K)”; and in lines 35 and 39, in each instance, strike “COMPONENT”.

On page 14, in line 1, strike “FIRST” and substitute “EARLIEST”; in lines 7, 8, 9, 12, 15, 30, and 36, in each instance, strike “COMPONENT”; in line 10, strike beginning with the first “THE” through “ALLOWED” and substitute “ALL CREDITS ALLOWED UNDER THIS SECTION”; in lines 13 and 17, in each instance, strike “CREDIT COMPONENTS” and substitute “CREDITS”; in lines 20, 21, 22, 23, 24, 25, 26, 27, and 28, strike “2002”, “2003”, “2004”, “2005”, “2006”, “2007”, “2008”, “2009”, and “2010”, respectively, and substitute “2003”, “2004”, “2005”, “2006”, “2007”, “2008”, “2009”, “2010”, and “2011”, respectively; in line 36, strike “2005” and substitute “2011”; after line 36, insert:

“(IX) ON JANUARY 1, 2004, AND EACH YEAR THEREAFTER, THE ADMINISTRATION SHALL PROVIDE TO THE COMPTROLLER A LIST OF ALL TAXPAYERS IN THE PRIOR TAXABLE YEAR THAT HAVE BEEN ISSUED AN INITIAL

CREDIT CERTIFICATE AND SHALL SPECIFY FOR EACH TAXPAYER THE EARLIEST TAXABLE YEAR FOR WHICH THE CREDIT MAY BE CLAIMED AND THE MAXIMUM AMOUNT OF THE CREDIT ALLOWABLE IN THE AGGREGATE FOR ALL CREDITS ALLOWED UNDER THIS SECTION.”;

and in line 38, after the first “GREEN” insert “WHOLE”.

AMENDMENT NO. 6

On page 15, in line 3, after “CREDIT” insert “THAT”; in line 4, strike “REMAINS” and substitute “IS”; in line 6 after the first “GREEN” insert “WHOLE”; in line 13, after “THE” insert “REGULATIONS ADOPTED BY THE ADMINISTRATION UNDER THIS SECTION SPECIFYING THE”; strike beginning with “IN” in line 14 down through “SERVICE” in line 15 and substitute “FOR EACH CREDIT UNDER THIS SECTION”; in line 19, strike “COMPONENT”; and in line 20, after “COPIES” insert “OF THE ELIGIBILITY CERTIFICATE”.

AMENDMENT NO. 7

On pages 15 and 16, strike in their entirety the lines beginning with line 32 on page 15 through line 22 on page 16, inclusive.

On page 16, in line 23, strike “(3)” and substitute “(4)”; in the same line, strike the first comma and substitute “AND”; strike beginning with “, AND” in line 23 down through “ENVIRONMENT” in line 24; in line 28, after the first “GREEN” insert “WHOLE”; in line 31, strike “(4)” and substitute “(5)”; and in the same line, strike “2009” and substitute “2005”.

On page 17, in line 5, strike “(5)” and substitute “(6)”; in the same line, strike “AND THE ADMINISTRATION”; strike in their entirety lines 8 through 12, inclusive; in line 13, strike “(N)” and substitute “(L)”; in the same line, strike “(1)”; in the same line, strike “DECEMBER 1, 2001” and substitute “JULY 1, 2002”; in line 14, strike the third “THE”; in line 15, strike “FOLLOWING,” and substitute “REGULATIONS”; and in the same line, strike “BASE BUILDINGS:” and substitute “THE CERTIFICATION OF GREEN WHOLE BUILDINGS, GREEN BASE BUILDINGS, AND GREEN TENANT SPACE THAT ARE CONSISTENT WITH CRITERIA SET FORTH BY THE STATE’S GREEN BUILDINGS COUNCIL OR OTHER SIMILAR CRITERIA FOR:”

(Over)

- (1) ENERGY USE;
- (2) APPLIANCE AND HEATING, COOLING, AND HOT WATER EQUIPMENT STANDARDS;
- (3) AIR CONDITIONING EQUIPMENT, INCLUDING CHILLERS;
- (4) BUILDING MATERIALS, FINISHES, AND FURNISHINGS;
- (5) STORMWATER RUNOFF FOR NEW CONSTRUCTION;
- (6) WATER CONSERVATION AND EFFICIENCY; AND
- (7) INDOOR AIR QUALITY, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.”.

On pages 17 through 19, strike in their entirety the lines beginning with line 16 on page 17 through line 20 on page 19, inclusive.

AMENDMENT NO. 8

On page 19, in line 23, strike “2001” and substitute “2002”.